

PUBLIC SCHOOL-RELATED LEGISLATION
49TH LEGISLATURE, 2ND SESSION, 2010

HOUSE BILLS

- *H 1** **FEED BILL [SGND (Jan. 28) Ch. 1 (partial veto)],** *Rep. W.K. Martinez* — funds the 2010 legislative session, including the Legislative Education Study Committee (LESC).
- H 2 GENERAL APPROPRIATION ACT OF 2010 (**PASSED H/PASSED S, as amended**),
CS/H 2a *Rep. Saavedra* — makes appropriations and authorizes expenditures by state agencies in
et al. FY 11, including: approximately \$2.47 billion in recurring funds from the General Fund for Public School Support and related appropriations; including \$164.7 million to replace federal fiscal stabilization funds appropriated in FY 10 for the State Equalization Guarantee (SEG, or Public School Funding Formula) distribution; \$120.1 million in categorical funding for transportation, instructional materials, the Indian Education Fund, and Schools in Need of Improvement Fund; \$32.4 million in related appropriations including the Public Education Department budget, Regional Education Cooperatives operations, K-3 Plus and New Mexico PreK; and \$6.0 million in a nonrecurring special appropriations for emergency supplemental funding. (CS/H 2, 3, 4, 5 & 6)
- *H 3a** EDUCATION APPROPRIATION ACT, *Rep. Miera* — creates the Education Appropriation Act; appropriates more than \$2.3 billion from the General Fund to the State Equalization Guarantee (Public School Funding Formula), including: \$164.7 million to restore FY 10 federal stabilization funds from the federal American Recovery and Reinvestment Act of 2009; \$29.0 million to restore a repealed public school property insurance appropriation; \$20.5 million for FY 11 insurance increases; and sufficient funds for a 0.366 percent increase in the employer contribution to the Retiree Health Care Fund. The bill also appropriates nearly \$120.1 million in categorical public school support for public school transportation, supplemental distributions, the Instructional Material Fund, dual credit instructional materials, the Indian Education Fund, and the Schools in Need of Improvement Fund; approximately \$32.4 million in education-related funding, including the Public Education Department budget and dollars to support Regional Education Cooperatives operations, New Mexico PreK, K-3 Plus, IDEAL-NM, rural revitalization, Advanced Placement, after-school enrichment programs, Apprenticeship Assistance, the School Improvement Framework, breakfast for elementary students, and the GRADS program. Finally, HB 3, as amended, also appropriates \$10.3 million in non-recurring dollars, including \$10.0 million in emergency support to school districts. (Succeeding entries: H 2)
- H 7 GENERAL APPROPRIATION ACT OF 2010, *Rep. Varela* — creates the General Appropriation Act of 2010; makes general appropriations and authorizes expenditures by state agencies, including: more than \$2.2 billion from the General Fund to the State Equalization Guarantee; nearly \$1.9 million in emergency supplemental funds; more than \$15.0 million to the Instructional Material Fund; \$2.0 million to the Indian Education Fund; nearly \$6.2 million to New Mexico PreK; \$6.5 million to K-3 Plus; reduces several appropriations in Section 4 of the General Appropriation Act of 2010, including reductions to agencies participating in return-to-work, contingent on the enactment of legislation in the 49th Legislature, 2nd Session; and prohibits school districts and charter schools from expending funds from the federal American Recovery and Reinvestment Act of 2009 until the Secretary of Public Education has approved an expenditure plan. [Identical to S 228]

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- H 9a INCOME TAX SURTAX (**PASSED H**), *Rep. Sandoval* — amends statute to impose a surtax of 1.5 percent for three years on certain taxable income in excess of \$100,000; includes a temporary provision for the 2010 taxable year. (May affect public schools)
- H 10a PROHIBIT CELL PHONES WHILE DRIVING (**PASSED H**), *Rep. A. Lujan/Sen. García*
*CS/H 10 — adds a new section of statute to prohibit the use of a mobile communication device while operating certain vehicles, including school buses; and to provide penalties for violations.
- H 13 SCHOOL CAPITAL OUTLAY ALLOWABLE IMPROVEMENTS, *Rep. Giannini* — amends the Public School Buildings Act to allow certain administrative costs to qualify as capital improvement expenditures.
- H 16a **RETIREMENT BENEFICIARY DESELECTION OPTION [SGND (Mar.2) Ch. 19]**, *Rep. Trujillo/Sen. Sapien* — amends the Public Employees Retirement Act to grant a retired member a one-time irrevocable option to deselect a designated beneficiary, under certain conditions.
- H 19 HISPANIC EDUCATION ACT, *Rep. MH. Garcia* — creates the Hispanic Education Division in the Public Education Department; creates the Hispanic Education Act to ensure equitable and culturally relevant learning environments, educational opportunities, and culturally relevant instructional materials for Hispanic students enrolled in public schools, among other purposes; prescribes duties for the Hispanic Education Division; creates the Hispanic Education Advisory Council to advise the division; requires the division to submit an annual statewide status report by November 15 to the Governor and the LESC; and prescribes contents of the report.
- H 20 CHANGE MATH REQUIREMENTS FOR GRADUATION, *Rep. MH. Garcia* — amends the Public School Code to reduce from four to three the number of units in mathematics required for graduation and to allow a course in financial literacy to count as one of those units.
- H 21a **SCHOOL PRIORITY FOR CERTAIN STUDENTS [POCKET VETO]**, *Rep. Giannini* — amends the open enrollment provisions in the Public School Code to expand the first priority for enrollment in a public school to include students who had resided in the school's attendance area prior to an active-duty military parent's deployment, requiring the student to relocate outside the attendance area for custodial care.
- H 24a **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN [SGND (Mar. 8) Ch. 41]**, *Rep. Cote* — enacts the Interstate Compact on Educational Opportunity for Military Children; creates the Interstate Commission; provides that the compact will become effective and binding when at least 10 states adopt it; allows the commission to assess membership fees and impose penalties on states in default of the compact; allows the Interstate Commission to initiate legal action against the state if the state is in default of either the compact or the rules and bylaws of the commission; requires member states to develop a state council and to appoint or designate a military family education liaison to facilitate the implementation of the compact; provides for a full-time staff for the commission; and includes specific provisions that address the range of issues that confront military students.

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- H 33 SCHOOL BUDGET DEVELOPMENT & PUBLICATION, *Rep. Giannini* — amends the Public School Finance Act to require all school districts to develop and maintain school-based budgets and to require each public school to post its school-based budget on the school's website within 10 days of the Public Education Department's approval of the district budget.
- H 34 LIQUOR SURTAX TO SCHOOL FUND, *Rep. Egolf* — creates the Liquor Surtax Act; imposes a surtax of 2.5 percent of the retail price of each alcoholic beverage sold; and requires the net receipts from this surtax to be deposited into the Public School Fund.
- H 35 CIGARETTE TAX INCREASE & DISTRIBUTION, *Rep. Egolf* — amends statute to increase the cigarette tax and the tobacco products tax and to require the revenue attributable to these increases to be deposited into the Public School Fund.
- *H 38a **PUBLIC PROJECT REVOLVING LOAN FUND PROJECTS [SGND (Mar. 8) Ch. 46]**, *Rep. Lundstrom* — authorizes the New Mexico Finance Authority to make loans for public projects from the Public Project Revolving Fund, including projects at public schools and charter schools.
- H 44a **HEALTH EDUCATION REQUIRED FOR GRADUATION [SGND (Mar. 10) Ch. 110]**, *Rep. MH. Garcia* — requires a course in health education for students entering grade 8 in school year 2012-2013; allows school districts to determine whether the course is offered in middle school or high school; and requires school districts, by the beginning of school year 2011-2012, to submit to the Public Education Department (PED) a health education implementation plan for school year 2012-2013 and subsequent years, including the grade in which health education will be required and an indication of alignment of the course with PED content and performance standards.
- H 45 ECONOMIC DEMOGRAPHERS IN PLANNING DISTRICTS, *Rep. MH. Garcia* — appropriates \$400,000 from the General Fund to the Economic Development Department for FY 11 to work in conjunction with several state agencies, including the Public Education Department, to provide economic demographers for the state's planning districts to pioneer the development of a predictive model to forecast the demographic and economic futures of local communities in specified areas of the state.
- H 52 REPEAL FILM PRODUCTION TAX CREDIT, *Rep. Kintigh* — adds a new section to the Severance Tax Bonding Act to limit the type of investment that can be made from the Severance Tax Permanent Fund in film projects; and repeals the film production tax credit. (May affect public schools)
- H 53a **FINANCIAL LITERACY AS SCHOOL MATH REQUIREMENT [SGND (Mar. 3) Ch. 25]**, *Rep. Thomas* — amends the Public School Code to allow a financial literacy course that addresses New Mexico mathematics standards to count as one of the four mathematics units required for graduation. (For the LESC)
- H 54 NMSU DOÑA ANA REGIONAL EDUCATION INITIATIVE, *Rep. Nuñez* — appropriates \$100,000 from the General Fund to the Board of Regents of New Mexico State University for FY 11 for Doña Ana Community College to implement the Doña Ana County Regional Educational Initiative.

- H 62 CORPORATE TAX REPORTING & DISTRIBUTION, *Rep. Begaye/Sen. Wirth* — adds a new section to the Tax Administration Act and amends statute to distribute a portion of corporate income tax revenue to the Public School Fund. [Identical to S 90]
- *H 64 **SCHOOL EQUALIZATION DISTRIBUTION DATE CHANGE [SGND (Feb. 5) Ch. 2]**, *Rep. Miera* — adds a temporary provision to allow the Secretary of Public Education to adjust the unit value for school year 2009-2010 later than January 31, 2010 — after receipt of approval to use State Fiscal Stabilization Funds for a portion of the State Equalization Guarantee distribution.
- H 67 **EXTEND EDUCATIONAL TESTING CONTRACT LENGTHS (PASSED H)**, *Rep. Miera* — amends the Procurement Code to allow contracts for up to 12 years for the development and implementation of standardized tests in grades K through 12 and for the development and implementation of teacher tests for professional licensure. (For the LESC)
- *H 68 **PUBLIC SCHOOL CAPITAL OUTLAY OMNIBUS BILL [SGND (Mar. 9) Ch. 104 (partial veto)]**, *Rep. Miera* — amends the Public School Capital Outlay Act to allow, rather than require, the Public School Facilities Authority (PSFA) to enter into contracts for inspection of capital outlay projects; to extend the time period for awarding funds for necessary roof repairs and replacements; to allow for grant adjustment for certain school facilities in remote rural areas; and to allow the PSFA to administer procurement for certain emergency projects; also repeals an appropriation from the 2009 special session of \$29.0 million for insurance premiums paid by school districts.
- *CS/H 68
- H 69a **REPORTING OF COHORT GRADUATION DATA [SGND (Mar. 10) Ch. 111]**, *Rep. Miera* — amends the Public School Code to require the Public Education Department, school districts, and state-chartered charter schools to report certain cohort graduation data. (For the LESC)
- H 70 **EDUCATIONAL DATA SYSTEM [SGND (Mar. 10) Ch. 112]**, *Rep. Miera* — adds a new section to the Public School Code to codify the requirements for a comprehensive P-20 data system that collects, integrates, and reports certain prescribed data from the Public Education Department (PED), the Higher Education Department (HED), and other agencies; prescribes components of the data system; designates PED and HED as “data system partners”; and creates and prescribes membership and duties of the Data System Council. (For the LESC)
- CS/H 70a
- H 71a **MENTORSHIP REQUIREMENTS FOR LEVEL 1 TEACHERS [SGND (Mar. 10) Ch. 113]**, *Rep. Stapleton* — amends the School Personnel Act to clarify the required length of time for beginning or Level 1 teachers to participate in a formal mentoring program. (For the LESC)
- H 72 **SUSPEND CERTAIN SCHOOL ASSESSMENTS**, *Rep. Cote* — adds a new section to the Public School Code to allow school districts to suspend, for school years 2009-2010 through 2011-2012, the administration of all required state assessments that are not required by the federal No Child Left Behind Act of 2001, except for short-cycle assessments. [Identical to S 75 and S 130]

- H 74a** **CHARTER SCHOOL OVERSIGHT FOR 1 YEAR [SGND (Mar. 8) Ch. 48]**,
Rep. Gonzales — amends the Charter Schools Act to require a new charter school, during the planning year, to file a minimum of three status reports with the chartering authority and the Public Education Department to ensure that the charter school is developing in accordance with its approved charter; and requires that the chartering authority and the charter school agree to the content, format, and schedule of the reports prior to signing the charter contract. (For the LESC)
- H 79** **TOBACCO SETTLEMENT FUND DISTRIBUTION [SGND (Mar. 8) Ch. 49]**,
Rep. Tripp — amends statute to provide for an additional distribution from the Tobacco Settlement Permanent Fund to the Tobacco Settlement Program Fund for FY 11.
(May affect public schools)
- H 86** **ALLOW SCHOOL DISTRICT CASH BALANCES**, *Rep. Roch* — amends the Public School Finance Act to allow school districts and charter schools to retain cash balances.
- H 87** **RAISE SCHOOL DISTRICT CASH BALANCE CAPS**, *Rep. Roch* — amends the Public School Finance Act to raise the cash balance caps per the current year's program cost for school districts for FY 11 and FY 12.
- H 88** **AGENCY NONCOMPLIANCE WITH UNFUNDED MANDATES**, *Rep. Roch* — requires each state agency to review all federal mandates that the agency is required to administer or enforce and for which federal funding is not available and prohibits the agency from spending state funds to enforce unfunded federal mandates.
- H 90** **NATIVE AMERICAN SCHOOLS DUAL CREDIT PROGRAM [SGND (Mar. 5) Ch. 36]**, *Rep. Begaye* — amends statute to include federal Bureau of Indian Education high schools and tribal colleges in the dual credit program; and defines the terms “bureau of Indian education high school” and “tribal college.”
- H 102a** **LOTTERY SCHOLARSHIPS FOR TRIBAL COLLEGES (PASSED H)**, *Rep. Alcon* — amends statute to allow students attending tribal colleges to qualify for Lottery Tuition Scholarships; and defines the term “tribal college” and prescribes student eligibility criteria.
- H 119** **TEMPORARY GROSS RECEIPTS INCREASE (PASSED H)**, *Rep. B. Luján* —
CS/H 119a amends statute to increase temporarily the rate of the Gross Receipts Tax and the Compensating Tax; to restrict temporarily the imposition of local option gross receipts taxes; to provide a gross receipts tax credit; and to provide a temporary provision for a referendum requirement to local option gross receipts taxes currently lacking such a requirement. (May affect public schools)
- H 124** **STATE CONTRACTOR REGISTRATION & REQUIREMENTS (PASSED H)**,
CS/H 124a *Rep. Egolf* — amends statute to require prospective government contractors to register with the General Services Department and to disclose certain information. (May affect public schools)

- H 133 DISPOSABLE CARRY-OUT BAG TAX ACT, *Rep. Giannini* — adds a new section to statute to create the Disposable Carry-out Bag Tax Act; imposes an excise tax of five cents on each disposable carry-out bag; and distributes 60 percent of the net receipts from this tax to the Public School Fund.
- H 137 GOVERNMENTAL CONDUCT FOR SCHOOL BOARDS, *Rep. Barela* — amends the Governmental Conduct Act to include local school boards and school districts; requires the Public Education Department to adopt a separate code of conduct for local school board members and school districts; and allows local school boards to adopt laws, ordinances, rules, or standards that are more stringent than those required by the Governmental Conduct Act.
- H 138 STATE ETHICS COMMISSION ACT, *Rep. Barela* — creates the State Ethics Commission Act; as of January 1, 2015, includes a local school board member, a superintendent, and a member of the governing authority of a charter school as “state officials”; creates the State Ethics Commission as an adjunct agency of the executive branch under the direction of seven commissioners; prescribes qualifications for the commissioners and duties of the commission; requires the commission to appoint an executive director; provides for annual ethics training and the publication of ethics guides, advisory opinions, and complaints; and provides for exceptions to the Open Meetings Act and the Inspection of Public Records Act. (Succeeding entries: H 43)
- *H 140 NO CHILD WELFARE OR DEVELOPMENT PROGRAM CUTS, *Rep. Chasey* — prohibits cuts to funding for services or programs for child welfare or early childhood care and education during the current legislative session. [Identical to *S 171]
- H 142 STUDENT SUPPLEMENTAL SERVICES & TUTORING, *Rep. El. Chávez* — amends the Assessment and Accountability Act to require that all tutoring provided through Title I funds use a standards-based curriculum aligned with the district’s approved curriculum; that all tutors be appropriately trained in the curriculum; and that tutors provide a minimum of 25 hours of instruction to all eligible students.
- H 143 DEDUCTED STATE TAXES AS INCOME, *Rep. Stewart* — amends the Income Tax Act to require that certain amounts paid in state or local tax and deducted from federal taxable income be included in New Mexico taxable income. [Identical to S 25] (May affect public schools)
- H 144a UNEMPLOYMENT CONTRIBUTION SCHEDULE [SGND (Mar. 8) Ch. 55],**
Rep. Stewart — amends statute on unemployment compensation to change the contribution schedule for each calendar year starting after 2010; discontinues the temporary increase in the weekly benefit amount; eliminates the staggered contributions for specific years; and abolishes the State Unemployment Trust Fund and transfers the balance to the Unemployment Compensation Fund for the payment of benefits. (May affect public schools)
- *H 145 **QUALIFIED SCHOOL CONSTRUCTION BONDS [SGND (Mar. 8) Ch. 56],**
*CS/H 145 *Rep. Miera* — requires the Public School Capital Outlay Council to consider certain criteria in allocating qualified school construction bonds authorized by the federal American Recovery and Reinvestment Act of 2009.

- H 150a** **HISPANIC EDUCATION ACT [SGND (Mar. 10) Ch. 114]**, *Rep. Miera* — creates the Hispanic Education Act to provide for the study, development, and implementation of educational systems that affect the educational success of Hispanic students to close the achievement gap and increase graduation rates, among other purposes; establishes the Hispanic Education Liaison in the Public Education Department and prescribes its duties; requires this office, in collaboration with the Higher Education Department, to submit an annual preschool-through-postsecondary status report to the Governor and the LESC no later than November 15; prescribes contents of this report; and creates the Hispanic Education Advisory Council and describes duties and membership. [Similar to S 132a]
- H 151** **JEFFERSON MIDDLE SCHOOL ROCK & RHYTHM BAND**, *Rep. Picraux* — appropriates \$8,000 from the General Fund to the Public Education Department for FY 11 to purchase instruments for a rock and rhythm band at Jefferson Middle School in the Albuquerque Public Schools.
- H 159** **FINE ARTS CLASSES IN GRADES 1-6**, *Rep. Rodefer* — amends the Public School Code to require fine arts to be taught at least once a week in kindergarten through grade 6; and provides that fine arts includes visual arts, music, theater, and dance that meet the requirements of the Fine Arts Education Act.
- H 160** **UNNECESSARY STANDARDIZED SCHOOL TESTS**, *Rep. Rodefer* — amends the Assessment and Accountability Act to require the Public Education Department (PED) to report to the LESC by October 1 of each year a comparison of the assessments required pursuant to the state assessment system and PED rules with those assessments required by the federal No Child Left Behind Act of 2001 (NCLB) or federal regulation; to identify assessments not required by NCLB and assessments that could be abolished without losing federal funds; and to identify rules and recommend statutory changes to minimize standardized testing and other state-mandated assessments.
- H 163** **ALIGN SCHOOL MATH & SCIENCE COURSES**, *Rep. Arnold-Jones* — requires school districts, by school year 2010-2011, to align their mathematics and science courses under the same titles as those used by the Student Teacher Accountability Reporting System; and to standardize the content of each mathematics and science course in alignment with the Public Education Department's content standards, benchmarks, and performance standards.
- H 164** **TEMPORARY CLASS & TEACHING LOAD INCREASE**, *Rep. Arnold-Jones* — amends the School Personnel Act to allow increases in class and teaching loads from school year 2010-2011 through school year 2014-2015.
- H 165** **WHISTLEBLOWER PROTECTION ACT [SGND (Mar. 1) Ch. 12]**, *Rep. Cervantes*
CS/H 165 — creates the Whistleblower Protection Act to prohibit public employer retaliation against employees in certain circumstances. (May affect public schools and the Public Education Department)
- H 184** **OUTDOOR CLASSROOM PROGRAM**, *Rep. Hall* — appropriates \$100,000 from the General Fund to the State Parks Division of the Energy, Minerals and Natural Resources Department for FY 11 to support a statewide public school outdoor classroom program. (For the LESC)

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- H 191 PROHIBIT VIRTUAL CHARTER SCHOOLS, *Rep. Roch* — adds a new section to the Charter Schools Act to define the term “virtual charter school” and to prohibit virtual charter schools in New Mexico. (For the LESC)
- H 215 TAX RATE CHANGES & COMBINED REPORTING, *Rep. M.P. García* — amends the Income Tax Act to change the definition of the term “net income”; to repeal the itemized deduction for state and local taxes that are deductible under federal law; and to add tax brackets, among other provisions. (May affect public schools)
- H 219 COMPUTATIONAL MATH & SCIENCE CLASS TRAINING, *Rep. Salazar* — appropriates \$100,000 from the General Fund to the Board of Regents of the New Mexico Institute of Mining and Technology for FY 11 for a statewide program to provide training in computational methods for middle school and high school students in science, mathematics, engineering, and technology applications and to prepare teachers to use computational science techniques in those fields.
- H 223 CAPITAL OUTLAY PROJECT TRACKING, *Rep. Maestas* — appropriates \$300,000 from the General Fund to the Legislative Council Service for FY 11 for equipment and five full-time employees to communicate with legislators and governmental entities and to track the progress toward completion of capital outlay projects. (May affect public schools)
- *H 224 SCHOOL DISTRICT BUDGET FLEXIBILITY, *Rep. Taylor* — adds a new section to the Public School Code, effective from school year 2009-2010 through school year 2011-2012, to allow the Secretary of Public Education to waive requirements of the Public School Code and agency rules upon request of the local superintendent, after consultation with the local school board; and requires the Public Education Department to monitor the waivers and to report to the LESC and the Legislative Finance Committee on any issues or actions of a school district that appear to adversely affect student learning.
- *H 226a GO BOND PROJECTS, *Rep. Trujillo* — creates the 2010 Capital Projects General Obligation Bond Act; and authorizes the issuance and sale of capital projects general obligation bonds for capital expenditures, including public school libraries and other public school facilities.
- H 227 **SCHOOL BOARD FINANCE & AUDIT COMMITTEES [SGND (Mar. 10)**
CS/H 227a Ch. 115], *Rep. King* — adds a new section of statute to require local school boards and governing authorities of charter schools to establish finance subcommittees and audit committees; and prescribes membership of the audit committees and duties of both the audit committees and the finance subcommittees. (CS/H 227 & 251)
- H 228a TIMELY AUDITS OF STATE AGENCIES (**PASSED H**), *Rep. Varela* — amends statute to require the State Auditor to notify the Legislative Finance Committee, as well as the Public Education Department, if a school district, charter school, or regional education cooperative (REC) has failed to submit a timely audit and, despite the auditor’s investigation and negotiations, the district, charter school, or REC has not made satisfactory progress toward compliance with the Audit Act.

- H 230** **DYSLEXIC STUDENT INTERVENTION [SGND (Mar. 8) Ch. 59]**, *Rep. Stewart/Sen. García* — amends the Public School Code to define the term “dyslexia” and to prescribe interventions for students displaying characteristics of dyslexia. (For the LESC)
- CS/H 230**
- H 231a** **DISCLOSURE OF EDUCATIONAL PENSION AMOUNTS [SGND (Mar. 8) Ch. 60]**, *Rep. Thomas* — amends the Educational Retirement Act to allow the disclosure of retirement and disability benefits.
- H 232a** **STANDARDIZED SCHOOL FINANCE REPORTING DATES [SGND (Mar. 10) Ch. 116]**, *Rep. Miera* — amends the Public School Code to establish the following standardized membership reporting dates: the second Wednesday in October, the second Wednesday in December, and the second Wednesday in February; and allows the Public Education Department to require membership or other reports at other times.
- H 234a** **HIGHER INCOME LEVEL TAX BRACKETS**, *Rep. Maestas* — amends the Income Tax Act to create additional tax brackets for higher levels of taxable personal income. (May affect public schools)
- H 235** **PURCHASING FROM PERSONS WITH DISABILITIES**, *Rep. Picraux* — amends the State Use Act to change certain procurement procedures. (May affect public schools)
- *H 237a** **GOVERNMENT RESTRUCTURING TASK FORCE [SGND (Mar. 9) Ch. 101]**, *Rep. Varela* — creates the Government Restructuring Task Force, to function until December 31, 2010; prescribes membership and assigns duties, which include studying the current resources of the state’s agencies, programs, services, funding, and policies, among them the recommendations of the Governor’s Committee on Government Efficiency and the need for consolidating agencies; requires the task force to report findings and recommendations to the Legislative Council, the Legislative Finance Committee (LFC), and the LESC by December 1, 2010; requires the task force to report proposed legislation to the Governor and the Legislature by December 31, 2010; and requires the Legislative Council Service, the LFC, and the LESC to provide staff for the task force.
- H 239** **NO EDUCATIONAL RETIREMENT BENEFIT ADJUSTMENTS [SGND (Mar. 8) Ch. 81]**, *Rep. Miera* — amends the Educational Retirement Act to prevent a decrease in annuities in the event of a decrease in the consumer price index.
- H 241** **EDUCATIONAL RETIREMENT INFO DISCLOSURE**, *Rep. Thomas* — amends the Educational Retirement Act to allow the disclosure of retirement benefits.
- H 243** **TRANSFER HIGHER EDUCATION DEPT. TO DFA**, *Rep. Park* — creates the Higher Education Division in the Department of Finance and Administration; prescribes bureaus within the division; prescribes duties of the division, among them cooperating with colleges and universities to create a statewide public agenda to meet higher education needs and goals and being concerned with the financing of public postsecondary educational institutions and the equitable distribution of funds; authorizes the division to cooperate with the federal government in the administration of higher education programs; transfers functions, appropriations, and property from the Higher Education Department to

the Higher Education Division; and repeals the Higher Education Department Act.

- H 245 RETURN CAPITAL GAINS TAX TO PRE-2003 RATES, *Rep. M.P. García* — amends the Income Tax Act to return the deduction for net capital gain income to the deduction in effect prior to 2003.
- H 247 LFC OVERSIGHT OF CERTAIN FEDERAL FUNDS [POCKET VETO],**
Rep. Gardner — requires the Legislative Finance Committee (LFC) to oversee expenditures of federal funds that are not subject to appropriation; and requires all state agencies to cooperate with the LFC and provide information as requested. (May affect public schools)
- H 248 STATE HIGH SCHOOL CHAMPIONSHIPS ON SATURDAY, *Rep. Gutierrez* — adds a new section to the Public School Code to require that all state high school championship final events be held on a Saturday at the end of each activity's season.
- H 251 SCHOOL BOARD FINANCE COMMITTEES & AUDITS, *Rep. Hall* — adds a new section of statute to require local school boards and governing authorities of charter schools to establish finance subcommittees and audit committees; and prescribes membership of the audit committees and duties of both the audit committees and the finance subcommittees. (Succeeding entries: H 227)
- H 255 MEDICAL CARE SAVINGS ACCOUNT COVERAGE, *Rep. Gardner* — requires that health coverage options for certain state and local public employees, including the New Mexico Public School Insurance Authority and Albuquerque Public Schools, include coverage pursuant to the Medical Care Savings Account Act.
- H 268 SEVERANCE & SUPPLEMENTAL TAX BONDS (**PASSED H**), *Rep. Trujillo* —
CS/H 268 authorizes the issuance of severance tax bonds and supplemental severance tax bonds in an aggregate amount up to \$100 million; and appropriates proceeds from the sale of the bonds to the General Fund. (May affect public schools)
- H 270a ADD BACK CERTAIN TAX DEDUCTIONS (**FAILED H**), *Rep. Stewart* — amends the Income Tax Act to repeal the itemized deduction for state and local taxes that are deductible under the federal Internal Revenue Code.
- H 271a MOTOR VEHICLE TAX INCREASE TO ROAD FUND (**FAILED H**), *Rep. Gonzales* — increases the Motor Vehicle Excise Tax from 3.0 percent to 4.0 percent and divides the net receipts between the General Fund (87.5 percent) and the State Road Fund (12.5 percent). (May affect public schools)
- *H 272 EXPAND LEGISLATIVE WEBCASTING, *Rep. Gardner* — appropriates \$75,000 from the General Fund to the Legislative Council Service for FY 10 and FY 11 to expand the webcasting of floor sessions and committee meetings.
- H 280 CHARTER SCHOOL PRIORITY ENROLLMENT, *Rep. Arnold-Jones* — amends the Charter Schools Act to grant priority enrollment to the children of teachers at the charter school.

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- H 286 SCHOOL DISTRICT ACCOUNTABILITY REPORT DATES (**PASSED H**), *Rep. King* — amends the Assessment and Accountability Act to change from November 15 to March 15 the publication date of school districts' annual accountability reports.
- H 287 KINDERGARTEN STUDENT AGE, *Rep. King* — amends the Public School Finance Act to allow a five-year-old child born anytime on September 1, rather than prior to 12:01 a.m., to enroll in kindergarten.

HOUSE JOINT MEMORIALS

- HJM 1** STUDY UNIFORM MILITARY CREDIT AT NM COLLEGES, *Rep. Cote* — requests that the Higher Education Department (HED) study the benefits and feasibility of establishing uniform standards for accepting military credit and articulation among all colleges and universities in New Mexico; and that HED present its findings to the appropriate interim committee of the Legislature by November 2010.
- HJM 13 TRACK NURSING EDUCATION FUNDING, *Rep. El. Chávez* — requests that the Higher Education Department (HED) track funding for nursing education through the Nursing Program Enhancement Fund, the Higher Education Funding Formula, and other funding sources; and that HED report to the interim Legislative Health and Human Services Committee by November 2010.
- HJM 15a WEBCAST & ARCHIVE INTERIM COMMITTEE MEETINGS (**PASSED H**), *Rep. Steinborn* — directs the Legislative Council Service, within budgetary and technological constraints, to offer live audio and video streaming and archiving of interim committee meetings beginning with the 2010 interim.
- HJM 16** STUDY READING CURRICULA IN TEACHER EDUCATION, *Rep. Stewart* — requests that the New Mexico Deans and Directors of Colleges of Education create a work group to study reading curricula in teacher education programs; and that the work group report findings and recommendations to the appropriate interim legislative committee and to the Governor by November 1, 2010. (For the LESC)
- HJM 21 MATH & SCIENCE TEACHER YEARLY DEVELOPMENT, *Rep. Arnold-Jones* — requests that the Mathematics and Science Bureau of the Public Education Department study the positive impacts of mandatory professional development for kindergarten through 12th grade mathematics and science teachers and school administrators.
- HJM 22a** IMPROVE HIGH SCHOOL SCIENCE LABS, *Rep. Arnold-Jones* — requests that the Public School Facilities Authority, under the guidance of the Mathematics and Science Bureau of the Public Education Department, develop a plan for revamping public high school science laboratories in accordance with the concepts of the New Mexico Project 2012; and that a status report on the plan be transmitted to the LESC by December 2010.
- HJM 27 WEBCAST & ARCHIVE INTERIM COMMITTEES, *Rep. Arnold-Jones* — directs that the Legislative Council Service offer live audio and video streaming and archiving of as many interim committee meetings as possible within budgetary and technological constraints, beginning with the 2010 interim.

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- HJM 36 “GIFTED EDUCATION DAY AT THE LEGISLATURE,” (**PASSED H**) *Rep. Giannini* — honors parents and educators of gifted children and declares February 11, 2010 Gifted Education Day at the Legislature.
- HJM 39a FEDERAL JOB CREATION PLAN (**PASSED H**), *Rep. El. Chávez* — requests that the President of the United States and Congress take proactive steps to create jobs and enact fiscal relief for state and local governments, in part to avoid damage to public education.
- HJM 45 KESHET DANCE COMPANY (**PASSED H**), *Rep. B. Luján* — requests that several departments, including the Public Education Department, work with Keshet Dance Company to further the goals of the company.
- HJM 49 EXAMINE PUBLIC SCHOOL INSURANCE AUTHORITY, *Rep. Vigil* — requests that the Superintendent of Insurance examine the practices and procedures of the Public School Insurance Authority and make recommendations concerning the need for oversight of the authority by the Public Regulation Commission; and that the superintendent present findings and recommendations to the LESC no later than November 1, 2010.
- HJM 52 SCHOOL FOOTBALL CHAMPIONSHIP CHANGES (**PASSED H/FAILED S**),
CS/HJM 52 *Rep. Maestas* — requests that certain parties hold an informal dialogue to consider scheduling all New Mexico high school football championship games on the same day, in the same stadium.
- HJM 64 STUDY ADOPTING INTERNATIONAL FIRE CODE (**PASSED H**), *Rep. Taylor* — requests that the Legislative Council direct the appropriate interim committee, in collaboration with the State Fire Marshal and the Construction Industries Division of the Regulation and Licensing Department, to study the implications of allowing local authorities the discretion of adopting selected appendices of the International Fire Code. (May affect public schools)

HOUSE JOINT RESOLUTIONS

- HJR 2 INCREASE LAND GRANT FUND DISTRIBUTION, CA, *Rep. Stewart* — proposes to amend Article 12, Section 7 of the state constitution to increase the distributions from the Land Grant Permanent Fund to benefit the public schools and the other recipients.
- HJR 4 NULLIFICATION OF EXECUTIVE RULES, CA, *Rep. Nuñez* — proposes to add a new section to Article 4 of the state constitution to allow the Legislature to nullify an administrative regulation or agency rule. (May affect the Public Education Department and the Higher Education Department)
- HJR 13 STATE LEGISLATOR TERM LIMITS, CA, *Rep. Kintigh* — proposes to amend Article 4, Section 4 of the state constitution to limit state senators to no more than three consecutive terms and representatives to no more than six consecutive terms.

HOUSE MEMORIALS

- HM 2** **NM SPEECH LANGUAGE & HEARING ASSOCIATION DAY**, *Rep. Wallace* — proclaims January 22, 2010 as “New Mexico Speech-Language and Hearing Association Day” at the House.
- HM 4** **USE POLLINATOR-FRIENDLY PLANTS IN LANDSCAPING**, *Rep. Stewart* — requests that state and county agencies, municipalities, public schools, colleges, and universities use pollinator-friendly plants in landscaping projects to create pollinator habitats. [Similar to SM 9]
- HM 6** **NMSU COURSE ON ELECTED OFFICIAL ETHICS**, *Rep. Cote* — requests that New Mexico State University develop a course on ethics for public officials in New Mexico and that the course become part of the orientation training provided to public officials.
- HM 7** **STUDY CHILD HOMELESSNESS**, *Rep. O’Neill* — requests that the Children, Youth and Families Department assist a coalition of organizations dedicated to ameliorating child homelessness to study child homelessness in New Mexico, including school-related issues, and present legislative recommendations by November 2010.
- HM 11** **2011 APPROPRIATIONS NOT EXCEEDING REVENUE**, *Rep. Anderson* — expresses the sentiment of the House of Representatives that recurring appropriations for FY 11 not exceed \$5.1 billion. (May affect public schools)
- HM 12** **“NEW MEXICO MESA DAY,”** *Rep. Sandoval* — declares January 29, 2010 as “New Mexico MESA Day” at the House of Representatives. [Similar to SM 20a]
- HM 24** **ALBUQUERQUE BOND & MIL LEVY ELECTION**, *Rep. Miera* — proclaims the support of the House of Representatives for the Albuquerque Public Schools’ general obligation bond and mill levy election and requests that the Governor do likewise. [Similar to SJM 35 and SM 31]
- HM 25** **“4-H & FFA DAY,”** *Rep. Hall* — declares February 9, 2010 as 4-H and FFA Day at the House of Representatives. [Similar to SM 37]
- HM 30** **“SCHOOLS ON THE RISE DAY,”** *Rep. Miera* — declares February 10, 2010 as Schools on the Rise Day at the House of Representatives. [Similar to SM 32, which did not pass]
- HM 37** **“FAMILY & PARENT INVOLVEMENT DAY,”** *Rep. El. Chávez* — declares February 11, 2010 as Family and Parent Involvement Day in the House of Representatives.
- HM 44** **“SANTA FE COMMUNITY COLLEGE DAY,”** *Rep. Trujillo* — proclaims February 16, 2010 as “Santa Fe Community College Day” at the House of Representatives.

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- HM 46a** **STUDY READING & MATH SCORES & DROPOUT RATES**, *Rep. Steinborn* — requests that the Public Education Department study the correlation between fourth and eighth grade reading and mathematics proficiency scores and high school dropout rates for the past two years.
- HM 48** **“CENSUS IN SCHOOLS WEEK,”** *Rep. B. Luján* — designates the week of February 8, 2010 as “Census in Schools Week” at the House of Representatives. [Similar to SM 49]
- HM 50a** **DEVELOP STATEWIDE NURSING EDUCATION PLAN**, *Rep. El. Chávez* — requests that the Center for Nursing Excellence and the Board of Nursing convene a task force to develop a statewide plan for nursing education involving multiple institutions of nursing education; requests that, after the plan is developed, the center and the board develop a statewide infrastructure of distance learning and a central curriculum resource website; and requests that the center and the Director of the Board of Nursing report their findings to the Legislative Health and Human Services Committee and the LESC by November 1, 2010.
- HM 66** **DEVELOP DROPOUT RATE LEGISLATION**, *Rep. Maestas* — requests that the LESC, by November 2010, develop legislation to create a scholarship tax credit program and establish a competitive grant program for innovative efforts by public and private education providers to help minority students finish their studies and obtain a high school diploma.
- HM 69a** **STUDY SCHOOL CONTENT, CURRICULA & PROGRAMS**, *Rep. King* — requests that the Public Education Department study the alignment among state academic content standards, school district curricula, and teacher preparation and professional development programs; collaborate with the Office of Education Accountability and the LESC to design the study; and present results and recommendations to the LESC by December 2010.

HOUSE RESOLUTIONS

- HR 2**
CS/HR 2 **WEBCASTING OF COMMITTEE HEARINGS**, *Rep. Steinborn* — amends House rules to require webcasting of committee meetings, within budgetary and technological constraints, providing that webcasts not be archived and not serve as an official record of House proceedings.
- HR 4** **HOUSE FLOOR & COMMITTEE MEETING WEBCASTING**, *Rep. Arnold-Jones* — amends House rules to require webcasting of committee meetings, within budgetary and technological constraints, and to authorize video webcasting of House Floor proceedings.

SENATE BILLS

- S 1
CS/S 1a **SCHOOL ATHLETE HEAD INJURY SAFETY PROTOCOLS [SGND (Mar. 9) Ch. 96]**, *Sen. M. Sanchez* — adds a new section to the Public School Code to establish safety protocols and education for coaches regarding brain injuries resulting from athletic activities; and requires the New Mexico Activities Association to consult with the Brain Injury Advisory Council and school districts to promulgate rules to establish protocols.
- S 10a **NARROW FOOD TAX DEDUCTION TO STAPLE FOODS (PASSED S)**, *Sen. B. Sanchez* — amends statute to narrow the gross receipts tax exemption for food purchases. (May affect public schools)
- S 11 **GANG RECRUITMENT & ACTIVITY PENALTIES**, *Sen. P. Griego* — adds a new section to the Criminal Code to provide penalties for recruiting people to join criminal street gangs or to participate in criminal gang activities, including increased penalties for recruitment and inducement of minors. (May affect public schools)
- S 16 **EXPAND LESC AUTHORITY TO HIGHER EDUCATION**, *Sen. Keller* — amends statute to expand the authority of the LESC to study higher education as part of education in New Mexico.
- S 18
*CS/S 18a
*CS/CS/S 18a **CHANGES TO STATE INVESTMENT BODIES [SGND (Mar. 1) Ch. 14]**, *Sen. Keller* — amends statute to change the composition, powers, and duties of the State Investment Council, the Public Employees Retirement Board, and the Educational Retirement Board; provides for the State Investment Council to appoint the State Investment Officer and to appoint members to the Private Equity Advisory Committee; and permits the appointment of alternate investment advisory committees for any separate alternative investment asset class when the percentage of the portfolio invested by the SIC in that alternative investment asset class exceeds 10 percent of the total funds invested. (CS/S 18, 218 & 238)
- S 21 **GRADUATE STUDENT LOTTERY TUITION**, *Sen. Keller* — creates the Graduate Student Lottery Tuition Loan Act, to be administered by the Higher Education Department to provide loans for master's or doctoral programs in fields for which state law does not otherwise provide a loan-for-service program; prescribes terms for the loans; and amends statute to require that 5.0 percent of the annual proceeds of the Lottery Tuition Fund be transferred to the Graduate Student Lottery Tuition Loan Fund, which the bill creates.
- S 25 **FEDERAL DEDUCTIONS AS STATE TAXABLE INCOME**, *Sen. Ortiz y Pino* — amends the Income Tax Act to require that certain amounts paid in state or local tax and deducted from federal taxable income be included in New Mexico taxable income. [Identical to H 143] (May affect public schools)
- S 28a **STATE CONTRACTOR CONTRIBUTION DISCLOSURE (PASSED S/PASSED H)**, *Sen. Feldman* — adds new sections of statute to require contractors dealing with the state or its political subdivisions to register with the General Services Department; prescribes certain kinds of disclosure; adds a provision for competitive sealed proposals; and provides for campaign contribution disclosure and prohibition. (May affect public

schools)

- S 35 DISPOSITION OF USED STATE VEHICLES, *Sen. Keller* — amends statute to change provisions for the disposition of used state vehicles by state agencies, school districts, and other entities.
- S 42 TRANSPARENCY IN GOVERNMENT ACT, *Sen. Rue/Rep. Espinoza* — creates the Transparency in Government Act; and requires the Department of Information Technology to develop and maintain a website to allow the public to view agency budgets, contracts, and other fiscal information. (May affect the Public Education Department)
- S 44 GOVERNMENTAL CONDUCT FOR ALL STATE ENTITIES (**PASSED S**),
CS/S 44a *Sen. Eichenberg* — amends the Governmental Conduct Act to apply to public officers and employees of all political subdivisions of the state. (May affect members of local school boards) (CS/S 44 & 211)
- S 52 EDUCATIONAL EMPLOYEES AS LEGISLATORS, *Sen. E. Griego* — amends statute to allow employees of one of the higher education institutions listed in the state constitution to serve as state legislators.
- S 54 TAXPAYER PROTECTION ACT & EXPENDITURE FORMULA, *Sen. Cravens* — creates the Taxpayer Protection Act; requires the Legislature, beginning with the second session of the 50th Legislature, to set an expenditure limit for each subsequent fiscal year; provides for the distribution of any money in the General Fund in excess of the expenditure limit; provides for expenditure limit rebates to individual taxpayers; and designates an effective date of January 1 following the adoption of a constitutional amendment to limit the Legislature's ability to increase state expenditures. (May affect public schools)
- S 65 ADJUST INCOME TAX RATES, *Sen. Ortiz y Pino* — amends statute to adjust individual income tax rates for taxable years beginning on or after January 1, 2010. (May affect public schools)
- *S 73 INTERIM HIGHER EDUCATION COMMITTEE, *Sen. Keller* — creates the Higher Education Study Committee as a joint interim legislative committee; prescribes membership and duties of the committee, among them to examine the statutes, constitutional provisions, regulations, and court decisions governing the state institutions of higher learning recognized in the state constitution; requires the Legislative Council Service to staff the committee; requires a report to the Legislative Council by December 15, 2010; and appropriates \$15,000 from the General Fund to the Legislative Council for FY 11 for per diem and mileage of committee members.
- S 75 SUSPEND CERTAIN SCHOOL ASSESSMENTS, *Sen. Fischmann* — adds a new section to the Public School Code to allow school districts to suspend, for school years 2009-2010 through 2011-2012, the administration of all required state assessments that are not required by the federal No Child Left Behind Act of 2001, except for short-cycle assessments. [Identical to S 130 and H 72]

- S 78a** **ALTERNATIVE SCHOOL CURRICULAR PLANS [POCKET VETO]**, *Sen. Nava* — amends the Public School Code to allow the Secretary of Public Education to waive class-size requirements for classes to which a student teacher who meets certain criteria has been assigned, effective for school years 2010-2011 through 2012-2013. (For the LESC)
- S 79** **CAPITAL OUTLAY PLANNING & MONITORING**, *Sen. Campos* — creates the Capital Outlay Review Committee to oversee the functions and processes of the Capital Outlay Planning and Monitoring Division of the Department of Finance and Administration; exempts from the committee’s review capital projects funded pursuant to the Public School Capital Outlay Act but requires exempted agencies, including the Public School Facilities Authority, to provide reports to the committee describing their projects.
- S 81** **FOOD TAX RETAIL FOOD STORE DEFINITION**, *Sen. Neville* — amends the Gross Receipts and Compensating Tax Act to expand the definition of “retail food store.” (May affect public schools)
- S 82** **MINORITY MATH, ENGINEERING & SCIENCE PROGRAM**, *Sen. Nava* — appropriates \$150,000 from the General Fund to the Higher Education Department for FY 11 for the Mathematics, Engineering and Science Achievement (MESA) program. (For the LESC)
- S 83** **REQUIRE NEW STATE VEHICLES TO USE NATURAL GAS**, *Sen. Sharer* — amends statute to require that 30 percent of all new vehicles acquired by state agencies and educational institutions operate on compressed natural gas. (May affect public schools)
- S 84a** **NEW SCHOOL SUSTAINABILITY FEATURES [POCKET VETO]**, *Sen. McSorley*
CS/S 84 — adds a new section to the Public School Capital Outlay Act to require the Public School Capital Outlay Council to develop and implement a “One Percent for the Twenty-first Century” program under which schools will be equipped with sustainability features; to require the Council to promulgate rules to determine if the costs of compliance would exceed the estimated life-cycle savings of the building, addition, or renovation; and to sunset the program effective July 1, 2020 and repeal the provisions effective July 1, 2021.
- S 85** **SCHOOL LEADERSHIP INSTITUTE [SGND (Mar. 8) Ch. 65]**, *Sen. Kernan* — adds a new section to the higher education statutes to create the School Leadership Institute, administratively attached to the Higher Education Department; and prescribes duties of the institute and programs it must offer. (For the LESC)
- S 87** **DELAY SCHOOL YEAR & DAY LENGTH CHANGES [SGND (Mar. 8) Ch. 66]**,
CS/S 87 *Sen. Morales* — amends the Public School Code to delay for one year the effective date of the statutory requirement, enacted in 2009, that school districts and charter schools provide a minimum of 180 full instructional days for schools on a regular calendar and 150 full instructional days for schools on a variable school year calendar. (CS/S 87 & 92)
- S 90** **CORPORATE INCOME TAX REPORTING & DISTRIBUTION**, *Sen. Wirth/Rep. Begaye* — adds a new section to the Tax Administration Act and amends statute to distribute a portion of corporate income tax revenue to the Public School Fund. [Identical to H 62]

- S 91** **DELAY EDUCATIONAL RETIREMENT CONTRIBUTIONS [SGND (Mar. 8) Ch. 67]**, *Sen. Smith* — amends the Educational Retirement Act to delay the prescribed increases in the employer's contribution.
- S 92** **DELAY SCHOOL YEAR AND DAY LENGTH CHANGES**, *Sen. Kernan* — amends the Public School Code to delay for one year the effective date of the statutory requirement, enacted in 2009, that school districts and charter schools provide a minimum of 180 full instructional days for schools on a regular calendar and 150 full instructional days for schools on a variable school year calendar. (For the LESC) (Succeeding entries: S 87)
- S 96a** **WHISTLEBLOWER PROTECTION ACT [POCKET VETO]**, *Sen. Beffort* — creates the Whistleblower Protection Act to prohibit public employer retaliation against employees in certain circumstances. (May affect public schools and the Public Education Department)
- *S 97** **SCHOOL DISTRICT BUDGET FLEXIBILITY [SGND (Mar. 8) Ch. 68]**, *Sen. Asbill* — adds a new section to the Public School Code to allow the Secretary of Public Education to waive certain requirements of law and rule to provide flexibility to school districts to meet state fiscal solvency requirements; and requires the Public Education Department to monitor the waivers and to report to the LESC and the Legislative Finance Committee on any issues or actions of a school district that appear to adversely affect student learning.
- S 98** **DELAY RULES AFFECTING EDUCATIONAL FUNDING**, *Sen. Sharer* — adds a new section of statute to delay the effective date of any rule that negatively affects educational funding by more than \$5.0 million until after the next regular session of the Legislature.
- S 105** **SCHOOL COST DIFFERENTIAL & PROGRAM UNITS**, *Sen. Smith* — amends the Public School Finance Act to reduce the cost differential factor for grade 12 in the Public School Funding Formula; to restrict the small school size adjustment to a school located in a small town, village, or rural community with a population of less than 3,000 and that is located at least five miles from another public school offering a similar program; and to restrict the small district size adjustment to a district with a total MEM (membership) of less than 3,000 and whose central office is located more than 15 miles from the central office of another district with a total MEM of less than 3,000.
- S 106** **EDUCATION DEPT. PAYS FOR STANDARD-BASED TESTS**, *Sen. Asbill/Rep. Roch* — amends the Assessment and Accountability Act to require the Public Education Department to pay the costs of standards-based assessments. (For the LESC)
- S 109** **EXEMPT & CLASSIFIED EMPLOYEE BENEFIT PARITY**, *Sen. Beffort* — creates the State Benefits Parity Act to require parity in the benefits accorded exempt and classified employees. (May affect the Public Education Department)
- S 111a** **ADDITIONAL TEACHER EVALUATION STANDARDS [SGND (Mar. 10) Ch. 107]**, *Sen. Nava/Rep. Stapleton* — amends the School Personnel Act to require that teacher professional development plans include documentation of how the results of professional development received from or offered by the state, school district, or charter school are incorporated in the classroom. (For the LESC)

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- *S 112 SEVERANCE TAX BOND PROJECTS (**PASSED S/PASSED H**), *Sen. Cisneros* —
*CS/S 112a authorizes the issuance of severance tax bonds and expenditures from certain funds and
balances; reauthorizes or reappropriates certain balances, expands or changes purposes,
and extends expenditure periods; and includes projects for public schools.
- *S 113 GO BOND PROJECTS (**PASSED S/PASSED H**), *Sen. Cisneros* — authorizes the
*CS/CS/S 113a issuance of capital projects general obligation bonds for a variety of capital expenditures,
including some for public education and higher education.
- S 114a DUAL CREDIT TEXTBOOK FUND, *Sen. Nava/Rep. Espinoza* — adds a new section to
the Public School Code to create the Dual Credit Textbook Fund to distribute money to
school districts, charter schools, and state-supported schools to provide textbooks and
course supplies for their students participating in the Dual Credit Program; requires the
Public Education Department to promulgate rules governing the process; and requires
certain reports from school districts, charter schools, and state-supported schools.
(For the LESC)
- S 116 GENERAL APPROPRIATION ACT OF 2010, *Sen. Smith* — creates the General
Appropriation Act of 2010; makes general appropriations and authorizes expenditures by
state agencies, including nearly \$2.5 billion from the General Fund, \$850,000 from other
state funds, and approximately \$627 million from federal funds appropriated to the Public
Education Department for public school support in FY 11; reduces several appropriations
in Section 4 of the General Appropriation Act of 2010, including reductions to agencies
participating in return-to-work, contingent on the enactment of legislation in the 49th
Legislature, 2nd Session; authorizes a transfer of up to \$59.0 million from the
Appropriation Contingency Fund for educational reforms under certain conditions; and
adds a new section to the General Appropriation Act of 2009 requiring reversions to the
General Fund by agencies affected by Executive Order 2009-044.
- *S 121 INCREASE CIGARETTE TAX, *Sen. B. Sanchez* — increases the cigarette tax and
changes the rates of distribution of the net receipts from the tax. (May affect public
schools)
- S 122 HIGH INCOME TAXPAYER SURTAX, *Sen. B. Sanchez* — amends statute to impose
a surtax of 1.0 percent on high-income taxpayers in New Mexico. (May affect public
schools)
- S 124 REPEAL CHARTER SCHOOL LIMITS, *Sen. Boitano* — amends the Charter Schools Act
to repeal the section providing for no more than 15 start-up charter schools per year and no
more than 75 in any five-year period.
- S 126 LIQUOR TAX INCREASE & DISTRIBUTION, *Sen. Lovejoy* — increases the Liquor
Excise Tax. (May affect public schools)
- S 128 HIGHER INCOME LEVEL SURTAX & DISTRIBUTION, *Sen. E. Griego* — amends the
Income Tax Act to create a graduated surtax for higher levels of taxable income; and
amends the Public School Finance Act to prevent fiscal year-end reversions.

- S 130 SUSPEND CERTAIN SCHOOL ASSESSMENTS, *Sen. Fischmann* — adds a new section to the Public School Code to allow school districts to suspend, for school years 2009-2010 through 2011-2012, the administration of all required state assessments that are not required by the federal No Child Left Behind Act of 2001, except for short-cycle assessments. [Identical to S 75 and H 72]
- S 132a **HISPANIC EDUCATION ACT [SGND (Mar. 10) Ch. 108]**, *Sen. B. Sanchez* — creates the Hispanic Education Act to provide for the study, development, and implementation of educational systems that affect the educational success of Hispanic students to close the achievement gap and increase graduation rates, among other purposes; establishes the Hispanic Education Liaison in the Public Education Department and prescribes its duties; requires this office, in collaboration with the Higher Education Department, to submit an annual preschool-through-postsecondary status report to the Governor and the LESC no later than November 15; prescribes contents of this report; and creates the Hispanic Education Advisory Council. [Similar to H 150a]
- S 134 **MILITARY VETERAN LOTTERY SCHOLARSHIPS [SGND (Mar. 10) Ch. 109]**, *Sen. Payne* — amends statute governing the Legislative Lottery Scholarship to extend eligibility for the scholarship to military veterans who attend a postsecondary institution within one year, rather than 120 days, of honorable or medical discharge.
- S 140 SCHOOL FACILITY LEASES & STANDARDS, *Sen. Rue* — amends statute to exempt from State Board of Finance approval a school district's leasing facilities to a charter school; and to require standards for certain charter school facilities, among other purposes.
- S 141 NM TECH SUMMER SCIENCE PROGRAM, *Sen. Nava* — appropriates \$50,000 from the General Fund to the Board of Regents of the New Mexico Institute of Mining and Technology for FY 11 to support the Summer Science Program. (For the LESC)
- S 142 LIQUOR EXCISE TAX INCREASE & DISTRIBUTION, *Sen. B. Sanchez* — adjusts the distribution of the Liquor Excise Tax, increases the Liquor Excise Tax, and creates the Mental Health and Substance Abuse Treatment Fund, to be administered by the Human Services Department; and prescribes distributions from the Liquor Excise Tax to this fund. (May affect public schools)
- S 152a **COLLEGE STUDENT LISTS TO CREDIT COMPANIES [SGND (Mar. 8) Ch. 71]**, *Sen. M. Sanchez* — adds a new section of statute to prohibit public and private postsecondary institutions from selling student lists to credit card issuers and from contracting or cooperating with credit card issuers to distribute or market credit cards; and allows civil action for penalties.
- S 153 LOCAL SCHOOL DISTRICT GROSS RECEIPTS TAX ACT, *Sen. Sapien* — creates the Local School District Gross Receipts Tax Act to allow local school boards to impose gross receipts taxes; prescribes conditions for the imposition of the tax; and requires the Taxation and Revenue Department to interpret the act and to administer and enforce the collection of the tax.
- S 155 PUBLIC & SCHOOL EMPLOYEE HEALTH PLANS, *Sen. Harden* — amends statute to require standard options in health plans for public school employees, state and local public

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employees, and retired public employees through the interagency health care benefits consolidated purchasing effort; and allows the superintendent of a school district with an enrollment greater than 60,000 students to refer the matter of its continued participation in consolidated purchasing to alternative dispute resolution, as provided in the bill.

- S 157 STATE EMPLOYEE FURLOUGH SALARY CALCULATION, *Sen. Harden* — adds a new section to the Public Employees Retirement Act to allow members to exclude months in which a work furlough occurred from the calculation of their final average salary for the purpose of calculating retirement benefits.
- S 158 NO TRIBAL CIGARETTE TAX BREAK FOR NON-MEMBERS, *Sen. Harden* — amends the Cigarette Tax Act to define the term “tribe” and to repeal the exemption for tribal cigarette sales to non-tribal members. (May affect public schools)
- S 163 VETERAN-OWNED BUSINESS GROSS RECEIPTS, *Sen. Sapien* — adds a new section to the Gross Receipts and Compensating Tax Act to exempt from gross receipts tax the receipts of a veteran-owned business for work performed for the federal government. (May affect public schools)
- S 164 SALARIES FOR EDUCATORS RETURNING TO WORK, *Sen. Morales* — amends the Educational Retirement Act to limit the salary of retired members who return to work; and prescribes methods for calculating the limit.
- S 165 **DELAY SCHOOL ATHLETICS EQUITY ACT [VETOED (Mar. 10)]**, *Sen. Nava* — amends the School Athletics Equity Act to delay the implementation of the act for one year.
- S 166 TWO LANGUAGES FOR HIGH SCHOOL GRADUATION, *Sen. Lopez* — amends the graduation requirements in the Public School Code, for students beginning grade 9 in school year 2010-2011, to require one rather than two laboratory components in science classes, two units in a language other than English, and six (rather than seven and one-half) elective units; and appropriates \$50,000 from the General Fund to the Public Education Department for FY 11 to implement the new graduation requirement for a language other than English.
- *S 171 NO CHILD WELFARE OR DEVELOPMENT PROGRAM CUTS, *Sen. Cisneros* — prohibits cuts to funding for services or programs for child welfare or early childhood care and education during the current legislative session. [Identical to *H 140]
- S 182 **CAPITAL OUTLAY REVERSIONS FOR SOLVENCY [SGND (Mar. 10) Ch. 105**
CS/S 182a **(partial veto)]**, *Sen. Cisneros* — voids appropriations for certain capital projects; voids authorizations for the issuance of severance tax bonds; changes purposes and authorizations for severance tax bonds proceeds; and makes other provisions related to capital projects, including projects at certain public schools and postsecondary educational institutions.
- S 183 DOMESTIC PARTNERSHIPS, *Sen. Wirth/Rep. Stewart* — creates a new chapter in state law to establish domestic partnerships; among its other provisions, amends the Public School Code to recognize domestic partners.

- *S 184 RECOVERY INVESTMENT BONDING ACT, *Sen. M. Sanchez* — creates the Recovery Investment Bonding Act to provide a mechanism for the state to borrow enough money from its Permanent Fund to avoid extreme economic hardship for the citizens of New Mexico; authorizes the State Board of Finance to issue bonds so long as they do not exceed \$500 million; creates the Recovery Investment Bonding Fund and requires that any balance in the fund after the bonds are retired be transferred to the General Fund. (May affect public schools)
- S 185 SELL BONDS TO AVOID SALARY REDUCTIONS, *Sen. M. Sanchez* — authorizes short-term severance tax bonds to be issued in FY 11 to avoid salary reductions made in the current legislative session for employees whose salaries are derived from the General Fund; and authorizes fund transfers to avoid salary reductions for employees whose salaries are derived from other state funds. (May affect public schools)
- S 191 TEMPORARY 4-DAY WORK WEEK FOR SOME EMPLOYEES, *Sen. Nava* — adds a new section to statute to require all state agencies and legislative agencies – among other entities and with certain exceptions – to adopt a four-day, 40-hour work week; to require all school districts to adopt a four-day school week equivalent to the regular school year; and to require the Department of Finance and Administration or the Public Education Department, accordingly, to adjust budgets to implement these provisions.
- S 192 SHORT-TERM BONDS TO REPLACE FEDERAL FUNDS, *Sen. Smith* — authorizes short-term severance tax bonds to be issued in FY 11 to compensate for the loss of federal funds that may not be available in the future; and requires that proceeds from the sale of these bonds be distributed to the Stimulus Lock Box, a special account of the General Fund. (May affect public schools)
- S 194 PUBLIC EMPLOYEE COMBINED CONTRIBUTION PENSION, *Sen. Beffort* — adds a new section to the Public Employees Retirement Act to require employees beginning on or after July 1, 2011 to enroll in a combined contribution pension plan.
- S 195a **SUNSHINE PORTAL TRANSPARENCY ACT [SGND (Mar. 5) Ch. 34]**, *Sen. Rue* — creates the Sunshine Portal Transparency Act; requires the Department of Information Technology (DoIT) to develop and maintain a single internet website, known as the “Sunshine Portal,” for free public access to the state’s financial information; prescribes financial data that must be available through the portal; including the state agency position title and salary of all state employees and the names of exempt employees; and requires DoIT to promulgate rules to carry out the provisions of the act. (May affect the Public Education Department)
- S 198 SCHOLARSHIP DONATION TAX CREDIT, *Sen. Campos* — adds a new section to the Income Tax Act to provide for the Equal Opportunity Scholarship Tax Credit of up to \$500 for an individual and \$1,000 for a married couple filing jointly for a contribution made to a scholarship-granting organization for eligible students at a qualified school; prescribes duties and responsibilities of the organization; requires the Taxation and Revenue Department to adopt rules to implement the tax credits; defines the terms “eligible student” and “qualified school”; adds a new section to the Corporate Income and Franchise Tax Act to provide for the Equal Opportunity Scholarship Tax Credit of up to \$50,000 with additional provisions similar to those applicable to individual taxpayers;

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appropriates \$1.2 million from the General Fund to the Public Education Department (PED) for FY 11 for competitive grants to educational providers to reduce the dropout rate for minority students; and appropriates \$5.0 million from the General Fund to PED for FY 11 to aid public schools to reflect the savings achieved through the Equal Opportunity Scholarship Tax Credit Program.

- S 199 **NEW MEXICO-GROWN PRODUCE FOR SCHOOL LUNCHES**, *Sen. Campos* — appropriates \$1.44 million from the General Fund to the Board of Regents of New Mexico State University for FY 11 and subsequent fiscal years for the Department of Agriculture to purchase New Mexico-grown fresh fruits and vegetables and to deliver the New Mexico produce to school lunch programs statewide.
- S 200 **PUBLIC BUILDING ENERGY EFFICIENCY STANDARDS [SGND (Mar. 8)**
CS/S 200 **Ch. 73]**, *Sen. Cisneros* — adds a new section to statute to provide energy efficiency standards for public buildings.
- S 203 **CREATE HISPANIC AFFAIRS DEPARTMENT**, *Sen. Lopez* — creates the Hispanic Affairs Department Act to provide a single, unified department to administer laws and exercise functions that will enable the executive branch to achieve a coordinated and effective system dedicated to improving educational achievement gaps and health care access and reducing poverty rates among Hispanics in New Mexico; creates the position of Secretary of Hispanic Affairs and prescribes duties, one of which is to conduct a statewide annual status report by county or school district; creates the Hispanic Affairs Commission, with one of its member representing the Public Education Department; and appropriates \$950,000 from the General Fund to the Department of Finance and Administration for FY 11 to establish the department.
- S 207 **PUBLIC EMPLOYEES RETURNING TO WORK [SGND (Mar. 2) Ch. 18]**,
CS/S 207a *Sen. Ulibarri* — amends the Public Employees Retirement Act for members returning to
FL/CS/S 207 work after July 1, 2010 to increase the lay-out period from 90 days to 12 months; to
suspend the retired member's pension upon re-employment; and to change other return-to-
work provisions.
- S 208 **OIL & GAS TAX CHANGES FOR EMERGENCY FUND**, *Sen. García* — amends
statute to decrease temporarily oil and gas severance tax rates, to increase temporarily the
tax rates imposed pursuant to the Oil and Gas Emergency School Tax Act, and to
distribute a portion of the revenue from that tax to the Public School Fund.
[Similar to S 255] (May affect public schools)
- S 210 **INCREASE CERTAIN INCOME TAX RATES**, *Sen. Lopez* — amends statute to increase
the income tax rates for high-income individuals and couples. (May affect public schools)
- S 211 **GOVERNMENTAL CONDUCT FOR ALL STATE ENTITIES**, *Sen. Lopez* — amends
the Governmental Conduct Act to include public officers and employees of all political
subdivisions of the state. (May affect public schools) (Succeeding entries: S 44)
- S 215 **FREEZE MEANS FREEZE ACT**, *Sen. Beffort* — creates the Freeze Means Freeze Act to
require the Personnel Board to promulgate rules to be approved by the State Auditor that
establish criteria for hiring freeze exemptions. (May affect the Public Education

Department)

- *S 218 CHANGE INVESTMENT COUNCIL MEMBERSHIP, *Sen. Neville* — amends statute to change the composition of the State Investment Council and the method of appointing public members so that four public members are appointed by legislative leadership; adds criteria for members; and provides for the transition in membership of the council. (May affect public schools) (Succeeding entries: S 18)
- S 228 GENERAL APPROPRIATIONS ACT OF 2010, *Sen. Smith* — creates the General Appropriation Act of 2010; makes general appropriations and authorizes expenditures by state agencies, including: more than \$2.2 billion from the General Fund to the State Equalization Guarantee; nearly \$1.9 million in recurring emergency supplemental funds; more than \$15.0 million to the Instructional Material Fund; \$2.0 million to the Indian Education Fund; nearly \$6.2 million to New Mexico PreK; \$6.5 million to K-3 Plus; reduces several appropriations in Section 4 of the General Appropriation Act of 2010, including reductions to agencies participating in return-to-work, contingent on the enactment of legislation in the 49th Legislature, 2nd Session; and prohibits school districts and charter schools from expending funds from the federal American Recovery and Reinvestment Act of 2009 until the Secretary of Public Education has approved an expenditure plan. [Identical to H 7]
- S 236 PHASE OUT FOOD TAX DEDUCTION, *Sen. Smith* — amends the Gross Receipts and Compensating Tax Act to phase out over a period of four years the gross receipts tax deduction for food. (May affect public schools)
- *S 237 CAPITAL PROJECT REVERSIONS & REAUTHORIZATIONS, *Sen. Harden* — amends statute to change the reversion date and to transfer unexpended balances of appropriations made for certain capital projects; to revert and transfer unexpended balances of appropriations for completed projects; and to reduce certain severance tax bond authorizations by 10 percent, among other provisions. (May affect public schools)
- S 238 STATE INVESTMENT CHANGES, *Sen. McSorley* — amends statute to remove the Governor from the State Investment Council; to require the council to elect its chair and vice chair; and to amend the powers and duties of the council, the State Board of Finance, the Public Employees Retirement Board, and the Educational Retirement Board (ERB), including a requirement that the ERB select and contract for the services of one or more custodian banks for all funds under the board's management. (Succeeding entries: S 18)
- S 246 PUBLIC EMPLOYEE PENSION CONTRIBUTION INCREASE, *Sen. Ingle* —
CS/S 246 amends the Public Employees Retirement Act, the Judicial Retirement Act, the Magistrate Retirement Act, and the Educational Retirement Act to increase by 1.0 percent the employees' contributions for employees making more than \$20,000 per year and to decrease the employer contributions for those employees an equal amount; and delays until FY 12 the 0.75 percent increase in the employer contribution to the Educational Retirement Fund that would otherwise take effect in FY 11.
- S 248 LIMIT CERTAIN TAX CREDITS & DEDUCTIONS, *Sen. Jennings* — puts limits on several tax credits and requires the Taxation and Revenue Department and the Economic Development Department to develop a method of notifying prospective credit applicants

about these limitations and any unused portion of the credit limits. (May affect public schools)

- S 254 CONSIDERATION OF CRIME CONVICTION FOR JOBS [SGND (Mar. 8) Ch. 76]**, *Sen. Harden* — amends the Criminal Offender Employment Act to prohibit a board, department, or agency of the state or any of its political subdivisions from inquiring about a job applicant's criminal record until the applicant has been selected as a finalist for the position. (May affect public schools)
- S 255 OIL & GAS TAX CHANGES FOR EMERGENCY FUND**, *Sen. Nava* — amends statute to decrease temporarily oil and gas severance tax rates, to increase temporarily the tax rates imposed pursuant to the Oil and Gas Emergency School Tax Act, and to distribute a portion of the revenue from that tax to the Public School Fund. [Similar to S 208] (May affect public schools)
- S 257 CROWNPOINT TEEN COURT**, *Sen. Lovejoy* — appropriates \$110,000 from the General Fund to the Children, Youth and Families Department for FY 11 to fund a teen court in Crownpoint.
- S 260 ALTERNATE EARLY STATE RETIREMENT PLANS**, *Sen. Eichenberg* — requires the Director of the State Personnel Office, the Secretary of Finance and Administration, the Executive Director of the Public Employees Retirement Association, the Director of the Educational Retirement Board, and the Director of the Retiree Health Care Authority to form a work group to develop at least three alternative early retirement plans for employees; and to present those plans to the Legislative Finance Committee after October 1, 2010.
- S 261 NONPROFIT ENTITY GROSS RECEIPTS**, *Sen. Jennings* — amends the Gross Receipts and Compensating Tax Act to modify the exemptions granted to certain nonprofit entities under certain conditions. (May affect public schools)
- S 263 HISPANIC AFFAIRS DEPT. ACT**, *Sen. M. Sanchez* — creates the Hispanic Affairs Department Act to provide a single, unified department to administer laws and exercise functions that will enable the executive branch to achieve a coordinated and effective system dedicated to improving educational achievement gaps and health care access and reducing poverty rates among Hispanics in New Mexico; creates the position of Secretary of Hispanic Affairs and prescribes duties; and creates the Hispanic Affairs Commission and prescribes membership and duties.
- S 267 UNM INDIGENOUS NATIONS LIBRARY PROGRAM**, *Sen. Pinto* — appropriates \$200,000 from the General Fund to the Board of Regents of the University of New Mexico for FY 11 to continue the indigenous nation's library program work and related activities, especially at the Gallup campus, including increasing the success and retention of the university's Native American students.
- S 270 DISTRIBUTIONS TO CHARTER SCHOOLS**, *Sen. Nava* — amends the Public School Capital Improvements Act and the Public School Buildings Act to change the conditions in a property tax resolution related to charter schools and to change the distribution of revenue to charter schools.

- S 271 NONPROFIT ORGANIZATION GROSS RECEIPTS, *Sen. Jennings* — amends the Gross Receipts and Compensating Tax Act to expand the exemptions for certain nonprofit organizations. (May affect public schools)

SENATE CONCURRENT RESOLUTION

- SCR 1 LIMIT BILL & MEMORIAL INTRODUCTIONS, *Sen. Wirth/Rep. Larrañaga* — proposes a joint rule to limit the number of bills and memorials that may be introduced and to provide a deadline for the introduction of memorials.

SENATE JOINT MEMORIALS

- SJM 3 UNINTENDED PREGNANCY ADVISORY PANEL, *Sen. E. Griego* — requests that the New Mexico Health Policy Commission form an advisory panel to address the issue of unintended pregnancy in New Mexico; requests that school-based health professionals be among the members of the panel; and requests an interim report to the 49th Legislature and a final report by October 1, 2010 to be considered by the 50th Legislature.
- SJM 5 ELECTRONIC HANDOUTS FOR INTERIM COMMITTEES (**PASSED S**), *Sen. Sapient/Rep. Gardner* — requests that the Legislative Council adopt a rule to require the use of electronic communication and handouts for interim committees.
- SJM 9 CONSOLIDATE HEALTH CARE COVERAGE FUNCTIONS, *Sen. Feldman* — requests that the state's public and quasi-public health care coverage entities, including the New Mexico Public School Insurance Authority and Albuquerque Public Schools, consolidate administrative functions to achieve cost savings.
- SJM 12 **STUDY VARIOUS SCHOOL CALENDARS**, *Sen. Kernan* — requests that the Office of Education Accountability (OEA) study various school calendars used or allowed in New Mexico and their effects on student learning and achievement, teachers, school operations, and school district budgetary needs; and that the OEA report its findings and recommendations to the LESC by October 31, 2010. (For the LESC)
- SJM 13 **STUDY SCHOOL STUDENT SECLUSION & RESTRAINT (PASSED S)**, *Sen. García* — requests that the Public Education Department, in collaboration with certain other entities, form a work group to examine the issues and concerns related to the restraint and seclusion of public school students; and that the work group present its findings and recommendations to the LESC and other appropriate interim legislative committees during the 2010 interim. (For the LESC)
- SJM 14 **DEVELOP ACCELERATED LEARNING MASTER PLAN (PASSED S)**, *Sen. García* — requests that the Higher Education Department and the Public Education Department convene a work group, including representatives of certain entities, to develop a master plan for accelerated learning that would offer high school students multiple options for study at the postsecondary level; that the work group presents its findings and recommendations to the LESC by November 1, 2010; and that the LESC review the plan before it is implemented. (For the LESC)

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- SJM 15 **STUDY & REPLICATE NURSING EDUCATION PROGRAMS (PASSED S)**, *Sen. Feldman* — requests that the Public Education Department (PED) study existing New Mexico programs that prepare high school students to become certified nursing assistants or licensed practical nurses and, in cooperation with the Department of Health, develop guidelines to replicate such programs statewide; and that PED report its progress to the Legislative Health and Human Services Committee by November 2010.
- SJM 22 **STUDY INTERNSHIP TEACHING LICENSE (PASSED S)**, *Sen. Lovejoy* — requests that the Public Education Department (PED) and the Office of Education Accountability (OEA) study specified issues of the Internship teaching license; and that PED and OEA present findings and recommendations to the LESC prior to the next legislative session. (For the LESC)
- SJM 23 **EDUCATIONAL RESEARCH & REFORM CONSORTIUM (PASSED S)**, *Sen. Nava* — requests that the Office of Education Accountability (OEA), the Public Education Department, and the Higher Education Department, in cooperation with certain other entities, study the formation of a consortium to conduct educational research to support school reform; and that OEA report findings and recommendations to the LESC and the Governor by November 15, 2010. (For the LESC)
- SJM 24a **STUDY SCHOOL DISTRICT FINANCES & OPERATIONS (PASSED S)**, *Sen. Nava* — requests that the Office of Education Accountability (OEA), in consultation with the State Auditor and the Public Education Department, convene a work group to examine public school district finance systems and operations; requests certain other entities to be members of the work group; and requests that OEA report findings and recommendations to the LESC, the Legislative Finance Committee, and the Governor by November 30, 2010. (For the LESC)
- SJM 25a** **STUDY AUTISM & SCHOOL SERVICES**, *Sen. Harden* — requests that the Public Education Department (PED) study autism spectrum disorders and determine how to provide best practice services to all children with autism in public schools; that PED develop a written plan of work; and that PED report findings, including the written plan, to the LESC by September 30, 2010.
- SJM 33 **TEEN SMOKING & LAW ENFORCEMENT ACTION**, *Sen. Campos* — requests that the Department of Health (DoH) examine the issue of tobacco use by minors and the inability of law enforcement officers to take action when they encounter teens smoking in public; requests that DoH make legislative recommendations; and requests that DoH report findings and recommendations to the interim Legislative Health and Human Services Committee by November 1, 2010. (May affect public schools)
- SJM 35 **ALBUQUERQUE BOND & MIL LEVY ELECTION**, *Sen. Lopez* — proclaims the Legislature's support of the Albuquerque Public Schools' general obligation bond and mill levy election on February 2, 2010, and asks the Governor to do likewise. [Similar to SM 31 and HM 24]
- SJM 40 **"VIRTUAL ENLACE NEW MEXICO DAY," (PASSED S)** *Sen. Nava* — recognizes February 5, 2010 as Virtual ENLACE New Mexico Day at the Legislature.

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- SJM 52 **MORE NATIONALLY CERTIFIED TEACHERS (PASSED S)**, *Sen. Nava* — requests that the Public Education Department (PED), in collaboration with the Higher Education Department and other entities, explore options to support more teachers in earning their National Board for Professional Teaching Standards Certification; and that PED report its findings and recommendations to the LESC by November 15, 2010.
- SJM 58 **POST-SECONDARY EDUCATION ARTICULATION REPORT**, *Sen. Fischmann* — requests that the Higher Education Department (HED) report to the Legislature on the progress toward implementing the provisions of the Post-Secondary Education Articulation Act and implementing the provisions of agreements between state educational institutions and their branch community colleges requiring credit transfer; and that HED recommend funding formula and other penalties for institutions that do not abide by the agreements.
- SJM 59 **STUDY CHARTER SCHOOL CAPITAL IMPROVEMENTS (PASSED S)**, *Sen. Nava* — requests that the Public School Capital Outlay Oversight Task Force (PSCOOTF) study the capital improvement needs of charter schools consistent with the school district planning processes, including a study of the issues of distributing receipts from property taxes pursuant to the Public School Capital Improvements Act and the Public School Buildings Act consistent with those acts and equitable to charter schools and other schools; and requests that PSCOOTF report findings and recommendations to the Governor and the Legislature by December 15, 2010.
- SJM 60 **TAX NM SALES BY REMOTE SELLERS**, *Sen. P. Griego* — requests that the New Mexico congressional delegation promote federal legislation to allow New Mexico to tax sales in New Mexico by remote sellers. (May affect public schools)

SENATE JOINT RESOLUTIONS

- SJR 3 **LIMIT STATE EXPENDITURE INCREASES, CA**, *Sen. Cravens* — adds a new section to Article 4 of the state constitution to limit the Legislature's ability to increase state expenditures. (May affect public schools)
- SJR 4 **BOARD OF REGENTS CONFIRMATIONS, CA**, *Sen. Keller* — amends Article 12, Section 13 of the state constitution to require a two-thirds' majority vote of the Senate members present and voting to confirm appointments to the boards of regents of state educational institutions.
- SJR 8 **SCHOOL ELECTION TIMES, CA**, *Sen. M. Sanchez* — proposes to amend Article 7, Section 1 of the state constitution to allow school elections to be held at the same time as other elections.
- SJR 10 **CREATE STATE COLLEGE BOARD OF REGENTS, CA**, *Sen. McSorley* — proposes to repeal Article 12, Section 13 of the state constitution and enact a new Article 12, Section 13 to create a state board of 13 regents with control and management of the state's colleges and universities and to provide for the control and management of the state's special schools by boards of trustees of five members each; and prescribes duties of the state board of regents, including the appointment of a president of the New Mexico

university system.

SENATE MEMORIALS

- SM 1** **NM SPEECH-LANGUAGE & HEARING ASSOCIATION DAY**, *Sen. Papen* — proclaims January 22, 2010 as “New Mexico Speech-Language and Hearing Association Day” at the Senate.
- SM 7** **AGENCY & BOARD REPORTS ONLINE**, *Sen. Sapien* — requests that all agencies, commissions, and boards of state government post annual reports and reports of memorials online and that they mail copies of reports only upon request.
- SM 9** **USE POLLINATOR-FRIENDLY PLANTS IN LANDSCAPING**, *Sen. Feldman* — requests that state and county agencies, municipalities, public schools, colleges, and universities use pollinator-friendly plants in landscaping projects to create pollinator habitats. [Similar to HM 4]
- SM 20a** **“NEW MEXICO MESA DAY,”** *Sen. Cravens* — declares February 10, 2010 as “New Mexico MESA Day” at the Senate. [Similar to HM 12]
- SM 24** **“TECHNICAL LEADERSHIP PROGRAM DAY,”** *Sen. Asbill* — recognizes the career and technical student organizations of New Mexico for their service to the state and declares February 8, 2010 as Technical Leadership Program Day in the Senate.
- SM 28** **ADOLESCENT BIRTH RATE REDUCTION TASK FORCE**, *Sen. Lopez* — requests that the Department of Health convene a work group, including representatives from the Public Education Department, to develop a comprehensive strategy for reducing adolescent births and to address the issue of unintended pregnancy and related issues.
- SM 31** **ALBUQUERQUE BOND & MILL LEVY ELECTION**, *Sen. Lopez* — proclaims the support of the Senate for the Albuquerque Public Schools’ general obligation bond and mill levy election and requests that the Governor do likewise. [Similar to SJM 35 and HM 24]
- SM 32** **“SCHOOLS ON THE RISE DAY,”** *Sen. Nava* — declares February 10, 2010 as Schools on the Rise Day at the Senate. [Similar to HM 30, which passed]
- SM 34** **LOCAL GOVERNMENT YOUTH COUNCILS**, *Sen. Ortiz y Pino* — resolves that the Senate encourage the creation of youth councils at the incorporated municipality, pueblo, and reservation levels and youth commissions at the county level; and encourages school districts, universities, and community colleges to work with these youth councils and commissions to realize the success of future service learning and community and civic engagement programs.
- SM 35** **“NM FAMILY & PARENT INVOLVEMENT DAY,”** *Sen. B. Sanchez* — celebrates New Mexico families and declares Thursday, February 11, 2010 as New Mexico Family and Parent Involvement Day in the Senate.

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- SM 37** **“4-H & FFA DAY,”** *Sen. Papen* — declares February 9, 2010 as “4-H and FFA Day” at the Senate. [Similar to HM 25]
- SM 38** **REPORT ON TEACHER REWARD MECHANISMS,** *Sen. Ryan* — requests that the Public Education Department (PED) collaborate with teachers, principals, other school administrators, and the teachers’ unions in the design of a merit selection system for teachers and principals who improve student achievement; and that PED report its progress to the LESC before the next legislative session.
- SM 40** **STUDY STUDENTS IN NONPUBLIC SCHOOLS,** *Sen. Smith* — requests that the Public Education Department investigate the status of nonpublic schools and their students during the 2010 interim and report its findings to the LESC by October 2010.
- SM 49** **“CENSUS IN SCHOOLS WEEK,”** *Sen. M. Sanchez* — designates the week of February 8, 2010 as “Census in Schools Week” at the Senate. [Similar to HM 48]
- SM 54** **PRIORITIZE & REVIEW CAPITAL OUTLAY PROJECTS,** *Sen. Campos* — requests that the Legislative Finance Committee, the Department of Finance and Administration, the New Mexico Municipal League, the New Mexico Association of Counties, the All Indian Pueblo Council, the Navajo Nation, and the Legislative Council Service collaborate on a process to prioritize, review, and monitor capital outlay projects; that these entities establish a capital outlay planning and review committee with the authority to request an audit by the State Auditor; and that, by January 1, 2011, the committee recommend to the Legislature through the appropriate interim committee a framework for setting more uniform priorities for capital outlay projects, establishing procedures for complete accounting and reporting, and analyzing requests according to certain criteria. (May affect public schools)

SENATE RESOLUTIONS

- SR 3** **NOMINATION OF REGENT REQUIREMENTS,** *Sen. Ortiz y Pino* — amends Senate rules to require the Senate Rules Committee to hear testimony from student and faculty representatives before making recommendations to the Senate on the confirmation of a nominee to a board of regents of a state educational institution.
- SR 4** **WEBCASTING OF COMMITTEE MEETINGS,** *Sen. E. Griego* — adds a new Senate rule to require webcasting of committee meetings.